

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

HENRY L. WALLER, JR.,

Plaintiff,

v.

Case No. 10-cv-495-JPG

MICHAEL P. RANDLE, *Director,*
Illinois Department of Corrections, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Henry Waller, Jr.'s untimely *pro se* Response (Doc. 61) to the Court's Memorandum and Order (Doc. 58) to show cause of November 4, 2010. In said show cause order, the Court demanded that Waller explain his non-responsiveness to Defendants' Motion to Dismiss (Doc. 38) and Memorandum in Support Thereof (Doc. 39), lest the Court deem the merits of the motion admitted.

Waller now explains that he did not timely respond to Defendants' motion because his computer crashed, he has little money, and he is not an attorney. The Court sees no relationship between the fact that Waller is not an attorney and his inability to submit a timely response. Even though *pro se* litigants are entitled to some procedural protections, they are not entitled to a complete dispensation of procedural rules. *Provident Sav. Bank v. Popovich*, 71 F.3d 696, 699 (7th Cir. 1995). And, while Waller's lack of a computer and funds may provide some hurdles to this litigation that Defendants do not face, again, he is not exempt from court rules. *Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001); *see Members v. Paige*, 140 F.3d 699, 702 (7th Cir.1998) ("[R]ules apply to uncounseled litigants and must be enforced.").

Put simply, the Court is unimpressed with Waller's response to the show cause order, especially in light of its untimely submission. If Waller does not exude the diligence and timeliness required of federal litigation, he will quickly find himself with an unfavorable judgment in hand.

With that said, being fully advised of the premises, the Court **DISCHARGES** its Memorandum and Order (Doc. 58) to show cause, **DEEMS** Waller's *pro se* Response (Doc. 62) timely, and **ORDERS** Defendants to file their reply, if any, to said response by December 17, 2010.

IT IS SO ORDERED.

DATED: November 29, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE